

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO**

**PROPOSED CHANGES TO LOCAL RULES OF COURT
TO BECOME EFFECTIVE JULY 1, 2010**

Public Comment Period Deadline May 10, 2010

**Please send comments to: Jan Michael
Court Executive Secretary
San Luis Obispo Superior Court
1035 Palm Street, Room 385
San Luis Obispo, CA 93408**

Direct any questions to (805) 781-5421.

RULE 2.03

COURT LOCATIONS

(a) The Superior Court of California, County of San Luis Obispo will regularly sit at the following court locations:

Courthouse Annex

~~1050 Monterey~~ **1035 Palm** Street, San Luis Obispo, CA 93408

214 S. Sixteenth Street, Grover Beach, CA 93433

901 Park Street, Paso Robles, CA 93446

Juvenile Services Center, 1065 Kansas Avenue, San Luis Obispo, CA 93408

Veterans Hall, 801 Grand Street, San Luis Obispo, CA 93408

(Amended ~~4/1/09~~ **7/1/2010**)

10.03

CALENDARING CRIMINAL PROCEEDINGS

(a) Location of Arraignment

(1) In-Custody

The initial court appearance or arraignment for defendants who are in custody in the County Jail will be held at the San Luis Obispo Court location.

(2) Out-of-Custody

The initial court appearance or arraignment for defendants who are not in custody at the county jail and are charged with a felony offense, must be arraigned at the San Luis Obispo Court location. The initial court appearance or arraignment for defendants who are not in custody and are charged with a misdemeanor offense ~~or a non-traffic infraction~~ that was committed in the jury district of Paso Robles or the jury district of San Luis Obispo must be arraigned at the San Luis Obispo Court location. The initial court appearance or arraignment for defendants who are not in custody and are charged with a misdemeanor offense ~~or a non-traffic infraction~~ that was committed in the jury district of Grover Beach, must be arraigned at the Grover Beach Court location.

(3) Felony Cases

All defendants charged with a felony offense regardless of where the offense occurred must be arraigned at the San Luis Obispo Court location. Felonies on entry of a plea of not guilty will be set for a preliminary hearing. This hearing will be set within ~~8 to~~ 10 court days of the entry of plea if the defendant is in custody and within 14 to 16 court days if he or she is not.

(b) Date of Arraignment

(1) Arresting agencies releasing persons prior to an arraignment calendar hearing must fix the date of the appearance of the person arrested in the proper location of this Court at a regularly scheduled arraignment calendar not more than two weeks for felony defendants and 30 days (or closest court day not to exceed 32 days due to holidays and weekends) for all other defendants from the date of such release. If a further appearance date has been set by the Court then the date of appearance fixed by the law enforcement agency must be that date.

(2) Whenever an arresting agency releases a defendant and sets a court appearance date it must notify the clerk of the court in which the defendant is to appear.

(c) Multiple Cases

(1) Felony Defendants:

(A) Probation Violations

If a defendant is charged with a felony offense, all pending misdemeanor probation violations will be transferred to the San Luis Obispo Branch where the felony case is pending. If a defendant is released upon posting bail on a warrant issued for a misdemeanor probation violation and a felony is pending, the defendant will be directed to appear in the San Luis Obispo Branch on all of these cases.

(B) Pending Misdemeanor Cases

If a defendant in custody is charged with a felony offense and a separate misdemeanor offense, all pending misdemeanor cases will be transferred to the San Luis Obispo Branch. The defendant will appear in this branch on all these cases.

(2) Misdemeanor Defendants

When a misdemeanor defendant is in custody, the defendant will be arraigned on all pending cases in the San Luis Obispo Branch. However, should the defendant be released on bail or citation prior to the appearance the defendant will be directed to appear in the branch from which the warrant was issued or in which the case is pending.

(Amended ~~7/1/09~~ 7/1/2010)

RULE 10.05

CALENDAR EVENTS: MISDEMEANORS

(a) Arraignments

The defendant or counsel will be given a copy of reports and complaint at the arraignment. Stipulations for independent blood analysis should be made at arraignment. Pleas will be entered. Since the District Attorney and Public Defender may be present, some plea negotiation may be accomplished at this event. Following entry of a not guilty plea case will be set for a Pretrial Conference and Trial Setting Conference.

(b) Motions

Any motions, except in limine motions where a stipulation cannot be obtained, must be noticed and heard prior to the Trial Setting Conference. No further motions will be heard on the case. If a motion to strike a prior cannot be heard at this time because of lack of documentation it will be heard at the time of sentencing. VC 41403(c). In Limine Motion: Any in limine motion must be filed in writing five days before the Readiness Conference. The motion will be heard at the Readiness Conference. Any pleadings submitted to the court that have any confidential documents must conform with PC964. If not, they will be rejected. The Court, at its discretion, may require an unredacted/sealed version.

(c) Pre - Trial Conferences

The District Attorney and defense counsel must discuss the case and attempt to resolve the case at the pre trial conference.

~~(1) — Diversion~~

~~—— If defendant is to be considered for diversion, referral must occur no later than this event.~~

(d) Trial Setting Conference

If there is not a disposition of the case, a Readiness Conference and Trial will be set. All discovery is to be complete by this conference and all additional investigation such as blood re-analysis, is to have been completed.

(e) Court Trial

If a Court Trial is requested at arraignment this will be set and a Pre Trial Conference will only be set upon request. Trial will be set within four weeks.

(f) In Custody Defendant

Pre Trial Conferences for in custody defendants will be set on the in-custody-arraignment calendar.

(g) Readiness Conference

The purpose of this conference is simply to confirm the matter for trial the following day. No negotiated pleas will be accepted unless good cause is shown. Once the matter is confirmed, no negotiated pleas will be accepted. On the date of trial the case will be either tried, dismissed or a defendant will be required to plead to all counts, unless good cause is shown.

(h) Continuance by Clerk

(1) A clerk of this Court may upon the request of the defendant or counsel, continue the initial arraignment of a defendant for up to 14 calendar days.

(2) This authorization does not apply to any case in which a defendant has been charged with a felony.

(3) This authorization does not apply to any case in which a defendant has been released on bail or is charged with a crime of violence that may result in the issuance of a PC136.2 order.

(i) Court Surrenders

(1) Failures to Appear

A defendant who has failed to appear in Court in a misdemeanor case or infraction case may surrender to the Court under the following circumstances, unless the court has made a "no court surrender" order on the case.

~~(A) — This is the first failure to appear in this case, and~~

(~~BA~~) The request to surrender is made to the appropriate branch, and
(~~C~~) ~~The request must be made by the defendant in person, unless the defendant lives more than 100 miles away, and~~

(~~DB~~) Attorney ~~or the defendant~~ may makes the request in person ~~via the phone~~
between the hours of 8:30 a.m. and 9:30 a.m. on any court day Monday through Thursday
to have their case placed on calendar the same day.

~~(Amended 1/1/08)~~

(j) Appearance by Counsel

Pursuant to statutory authority (Penal Code Section 977(a)(1)) and case law, a defendant may appear by counsel if the accused is charged with a misdemeanor only, except as provided in Penal Code Section 977(a)(2), which states "If the accused is charged with a misdemeanor offense involving domestic violence, as defined in Section 6211 of the Family Code, or a misdemeanor violation of Section 273.6, the accused shall be present for arraignment and sentencing."

Appearance by counsel without the defendant being present shall be deemed an appearance on behalf of the defendant. The failure of counsel to have all necessary authority and authorization to act for the defendant at any appearance is grounds for the Court to order the defendant's personal presence at the next appearance. If a represented defendant is not present when the case is calendared for trial or other evidentiary hearing, the attorney of record shall notify the defendant of the date, time, and place of the trial or hearing. (Amended ~~7/1/02~~ 7/1/2010)

RULE 10.07

LAW AND MOTION PROCEEDINGS

(a) Location

All motions except Penal Code section 995 motions will be held before the judge to whom the case is assigned. Upon filing a Penal Code section 995 motion, counsel must, if denied, request such motion be assigned to another judge on the criminal team.

(Amended 1/1/08)

(b) Notice of Motion

All motions and notices must be in writing and an original must be filed for each case when multiple cases are listed. ~~and, in~~ In addition, ~~it must to~~ specifying the date, department and time of the hearing, must specify the grounds of the motion. All motions must be in writing and give not less than ten (10) calendar days notice unless such requirement is shortened by court order or waived. The papers intended to be used by the moving party must be attached to, and served and filed with, the notice of motion. All citations of authority must include the official reporter citation and the West Publishing (unofficial) citation. Failure of either party to file and serve the points and authorities may be deemed by the court to be a concession to the motion and/or that the motion is without merit. Where the review of a transcript is necessary, the pertinent transcript testimony must be summarized with a specific page and line reference cited.

(c) Date of Hearing

Any motion requiring a hearing must be noticed for a date certain after confirming such date with the court clerk prior to noticing the motion. The motion must be noticed and heard prior to the Trial Setting Conference for misdemeanors and prior to the readiness conference for felonies.

(d) Format

The first page of each motion must specify immediately below the number of the case:

- (1) The date, time and location, if ascertainable, of any scheduled or noticed hearing;
- (2) The nature or title of any attached document other than an exhibit; and
- (3) The trial date, if set.

Documents bound together must be consecutively paginated.

(e) 1538.5 Motion

(1) Felony

Motions by defendant to suppress or return evidence may be heard in conjunction with and at the same time as a Preliminary Hearing or on a date set. (Amended 1/1/08)

(A) A written noticed motion is not required if a motion based upon Penal Code section 1538.5 is to be heard at the Preliminary Hearing. The prosecutor must be prepared at all such hearings to justify, legally and factually, all seizures of proffered evidence; however, upon a showing of surprise the case may be continued. If a Penal Code section 1538.5 motion is made other than at a preliminary hearing, a written notice that complies with Rule 10.07(b) is required.

(B) A written noticed motion pursuant to Penal Code section 1538.5 must specifically describe and list the evidence which is the subject of the motion to suppress; and must specifically state the theory or theories which must be relied upon and urged for the suppression of the evidence; and cite the specific authority or authorities which will be offered in support of the theory or theories and must set forth a statement of facts upon which such theory(ies) is based upon which suppression of the evidence is urged. It must also conform to Rule 10.07(b).

(2) Misdemeanors

Motions by defendant to suppress or return property will be heard at least 10 calendar days in advance of the trial date (PC 1538.5(g)). Notice of the date of such hearing must be given in compliance with Rule 10.07(b) above and must specifically list and describe the evidence sought to be suppressed or returned, must state specifically the theory(ies) which will be relied on and urged for suppression or return of the evidence,

must set forth a statement of facts upon which such theory(ies) is based, and must cite the specific authority(ies) which supports the theory(ies) for such suppression.

(3) Hearing

Defendant must be prepared to prove standing to object, and in instances of warrantless searches, must be prepared to prove

(a) That a seizure of the evidence took place, and

(b) That it was done so without a warrant. (Amended ~~7/1/02~~7/1/2010)

RULE 10.11

SENTENCING

(a) Probation Modification

(1) Notice Requirements

The court requires ~~24 hours~~not less than 10 days notice to calendar a motion for modification of probation. The request to place the motion on calendar must be made by the defendant in person or by counsel.

(2) Jail Time Modifications

Request for "modification" of jail time may be calendared provided that not more than seven days have elapsed since the failure to appear at the jail and/or probation has not been revoked and a bench warrant issued. (Amended 1/1/08)

(3) Multiple Modification Request

If a case is twice scheduled for modification and there is no appearance, the case cannot be placed on calendar for the same modification.

(b) Fine Payments

(1) Accounting Fee

An accounting fee must be established by order of the court for fines paid directly to the court to cover the costs of accounting required by fine payments. The accounting fee may be waived by either the Director of Criminal Operations, or Court ~~Accountant~~Fiscal Officer under the following conditions:

(A) The full amount of the fine was paid on or before the original due date established at the time of sentencing for the payment of the Accounting Fee, and;

(B) One payment was made, and

(C) The payment was not returned by the bank for any reason. In all other cases the imposed accounting fee may not be waived except by a judge or commissioner.

(2) Cash Bail

In all cases wherein the defendant has posted cash bail and the court imposes a sentence which includes a fine payable in installments, any cash bail must be applied toward the fine. This must not relieve a defendant of making payment at such time and in such amount as ordered by the court, but must be credited to reduce the fine balance.

(3) Failure to Pay Fine

On probation violations where a defendant is on summary or bench probation and where the only violation is non-payment of the fine upon payment of the fine in full the clerk must be authorized to have the warrant recalled and to reinstate probation on the same terms and conditions as previous. The clerk must advise the defendant of the reinstatement of probation by first class mail, file proof of service and also verify that there are no other violations prior to such reinstatement.

(c) Conditional Sentence

Informal probation, summary probation or bench probation are conditional sentences as defined in Penal Code Section 1203.

(d) Proof of Compliance with Conditions of Probation

In criminal and traffic cases in which a defendant has been placed on informal, summary, or bench probation with a requirement by a certain date that the defendant show:

(1) Proof of completion of alternate work service;

(2) Proof of obtaining a license;

(3) Proof of payment of restitution;

(4) Proof of fine payment;

(5) Proof of completion of DWI or AA attendance; or reappear in court on a certain date; the clerk is authorized to receive and file the appropriate proof and to take the matter off calendar.

In cases where there is some question as to whether the proof is appropriate, the clerk will so notify the defendant and advise the defendant to reappear in court.

(e) Jail Sentences - Credit for Time Served

Unless otherwise indicated by a sentencing judge, when a defendant is ordered to serve time in the County Jail either as a sentence or condition of probation, the defendant must be deemed entitled to credit for any days actually served in custody. Where possible, the sentencing judge must determine the total number of actual days to be credited to a defendant's time so that the date of admission and release from custody can be specified. (Amended ~~7/1/02~~7/1/2010)

RULE 10.15

COUNTER ARRAIGNMENTS

(a) Counter Arraignment Defined

A counter arraignment is a procedure whereby a defendant charged with violations of law may offer a plea of guilty at the office of the clerk without the necessity of appearance in court. When an appropriate waiver of rights form has been executed by defendant and approved by a judge or commissioner of the court, it is a judgment of the court.

(b) Charges Eligible for Counter Arraignment

Any infraction or misdemeanor charge whereby an appearance is not mandatory is eligible for a counter arraignment.

(c) Bail and Fine

The fine imposed after a counter arraignment must be equal to the bail as set in the bail schedule.

(d) Delayed Payments and Work Service

Upon entering a guilty plea and paying mandatory fees, the balance of the fine will be deferred. The balance of the fine may be satisfied in whole or in part by performing community service at a rate of \$10 for every hour worked.

- (1) Fines less than \$300.00 must have a due date 13 weeks from the date of counter arraignment,
- (2) Fines of \$300.00 or more shall be given a due date in the future that allows for \$100 per month payments (i.e., \$900 fine = 9 months) from the date of counter arraignment, with a cap of 12 months.

(e) Responsibility for Community Service

A person choosing to perform community service as full or partial satisfaction of a fine must make their own arrangements through one of the following agencies: Pucciarelli Consulting, the City of San Luis or ECOSLO Environmental Center.

(f) Pay or Reappear Sentence

The sentence for infractions must require the payment of the fine or the return to court by the due date. Failure to pay or reappear must result in an additional charge pursuant to Penal Code §853.7, increased bail and issuance of a bench warrant.

(g) Pay or Serve Sentence

The sentence for misdemeanor violations must be imposed pursuant to Penal Code §1205 and require the defendant to pay the fine by the due date or serve the sentence at the rate of \$50.00 per day. (Amended ~~7/1/09~~7/1/2010)

RULE 10.16**APPLICATION FOR WRIT OF HABEAS CORPUS OR CORAM NOBIS**

An application for writ of habeas corpus, coram nobis, mandamus or prohibition in a criminal proceeding must be presented to the ~~supervising felony judge~~ Criminal Department except petitions for writs of mandamus, prohibition, or review (certiorari) in a case charging a misdemeanor or infraction must be addressed to the Appellate Division of the court pursuant to Rule 14.05. (Amended ~~1/1/08~~ 7/1/2010)

RULE 11.901

ACCOUNTINGS

(a) Form of Account

All accounts filed in probate proceedings, including estates, guardianships, conservatorships, special needs trusts and trust accounts must conform to the requirements of Probate Code § 1060 et seq. and 10900. Accounts must be typewritten or machine printed on letter sized pages numbered at the bottom of each page and meet the requirements provided in Chapter 4 (commencing with Sec. 1060 of Division 3, Part 1 of the Probate Code).

(b) Summary of Account

Each account must state the period covered by the accounting, and contain a summary as set forth in Probate Code § 1061 et seq.

(1) Appendix B is a suggested Form of Summary of Account showing principal and income breakdowns as required if making a distribution to a trust.

(c) Accounts of Personal Representatives

All accounts of personal representatives must conform to the requirements set forth in Probate Code Secs. 1060 et seq. and 10900 and, as nearly as possible, in the forms suggested in Chapter 19 of California Decedent Estate Practice. (CEB)

(d) Filing of Submission of Accounts

Accountings done in probate estates and trusts should be filed with and accountings done in guardianships, conservatorships and special needs trusts should be submitted to the Clerk of the Court, Room 385 of the San Luis Obispo Courthouse. ~~Accountings done in guardianships, conservatorships and special needs trusts should be submitted at the reception desk for the Court Investigators at 1120 Mill Street, Suite A, San Luis Obispo, CA.~~

(Amended ~~4/1/09~~7/1/2010)

11.1806

ACCOUNTS

- (a) An accounting must be filed by the guardian or conservator:
- (1) At the expiration of one year from the time of appointment and thereafter not less frequently than bi-annually unless otherwise ordered by the Court.
 - (2) Upon the ward's 18th birthday.
 - (3) Upon death of the ward or conservatee.
 - (4) Upon death, removal, or resignation of the guardian or conservator.
 - (5) Upon any other termination of the guardianship or conservatorship.
 - (6) At such other times as the Court may order.
- (b) Accounts must contain the information and be in the form required in Probate Code §§ 2620 and 1060-1064 and California Rule of Court 7.575 and must be in the form of accounts for decedents' estates as set forth in these rules. If the account shows expenditures not authorized by prior order of the Court, the guardian or conservator must provide supporting declarations or testimony with respect to such expenditures before the account must be approved. An explanation of any unusual items appearing in the account should be set forth in a statement included in the petition and account. (Amended 1/1/09)
- (c) The guardian or conservator must set forth in a separate schedule all debts of the ward or conservatee known or anticipated by the guardian or conservator.
- (d) The conservatee's current residence address must be set forth in each report or account.
- (e) The petition and account must set forth a statement of the age, health/physical condition, activity/treatment program and whereabouts of the ward or conservatee.
- (f) Where there are multiple wards or conservatees joined in a single proceeding an account must reflect a separate accounting for each of the respective wards or conservatee.
- (g) All copies of the account (original, copy for Probate Examiner, and copies to be endorsed and returned to attorney) ~~must will~~ be forwarded by the Clerk in Room 385 of the San Luis Obispo Courthouse to the Probate Examiner. After completing his review, the Probate Examiner must file the account and set the hearing on a date mutually agreed upon with counsel. Counsel may set the account for hearing if the Probate Examiner fails to complete his review and set the same for hearing within thirty (30) days of receipt from petitioner or his counsel.
- (h) All Conservatorship and Guardianship accounts must be supported by original financial institution statements as required by Probate Code §2460(c). Balances shown in the accounting, if different from the balances shown in the financial institution statement, must be reconciled in the account.
- (Amended ~~4/1/05~~ 7/1/2010)

RULE 12.10

ADOPTION OF PROGRAM GUIDELINES FOR COURT APPOINTED SPECIAL ADVOCATE PROGRAMS

The Superior Court hereby adopts the guidelines for the Court Appointed Special Advocate Program, as more particularly set forth under the caption, “Program Guidelines for Court Appointed Special Advocate Programs” established by section 100 of the Welfare and Institutions Code of the State of California, as a Rule of Court applicable to the Court Appointed Special Advocate Program for San Luis Obispo County. The guidelines are incorporated herein by reference.

COURT APPOINTED SPECIAL ADVOCATE PROGRAM

A. The Superior Court may appoint child advocates to represent and report to the court on the interests of dependent children. In order to qualify for appointment the special advocate must be trained by and function under the auspices of a Court Appointed Special Advocate Program, formed and operating under the guidelines of the National Court Appointed Special Advocate Association. (W&I 356.5)

The advocate program shall report regularly to the Presiding Judge and Judges of the Juvenile Dependency and Juvenile Delinquency Courts with evidence that it is operating under the guidelines established by the National Court Appointed Special Advocates Association and the California State Guidelines for child advocates.

SPECIAL ADVOCATES

Special advocates serve at the pleasure of the court having jurisdiction over the proceeding in which the advocate has been appointed.

1. FUNCTIONS. In general, an advocate’s functions are as follows:

1. To support the child throughout the court proceedings;
2. To establish a relationship with the child to better understand his or her particular needs and desires;
3. To communicate the child’s needs and desires to the court in written reports and recommendations;
4. To identify and explore potential resources which will facilitate early family reunification or alternative permanency planning;
5. To provide continuous attention to the child’s situation to ensure that the court’s plans for the child are being implemented;
6. To the fullest extent possible, to communicate and coordinate efforts with the case manager (social worker or probation officer);
7. To the fullest extent possible, to communicate and coordinate efforts with the child’s attorney; and

8. To represent the interests of the child in other judicial or administrative proceedings.
9. To be present in court for all hearings when the case is before the court.

2. SWORN OFFICER OF THE COURT. A special advocate is an officer of the court and is bound by these rules. Each advocate shall be sworn in by a Judge or Court Commissioner before beginning his or her duties, and shall subscribe to a written oath.

3. SPECIFIC DUTIES. In its initial order of appointment, and thereafter in subsequent orders as appropriate, the court may specifically delineate the advocate's duties in each case, including interviewing and observing the child and other appropriate individuals, reviewing appropriate records and reports, consideration of visitation rights for the child's grandparents and other relatives, and reporting back directly to the court as indicated. If no specific duties are outlined by the court order, the advocate shall discharge his or her obligation to the child and the court in accordance with the functions set forth in [A 1] herein.

RELEASE OF INFORMATION TO SPECIAL ADVOCATE

1. TO ACCOMPLISH APPOINTMENT. To accomplish the appointment of a special advocate, the Judge or Commissioner making the appointment shall sign an order granting the advocate the authority to review specific relevant documents and interview parties involved in the case, as well as other persons having significant information relating to the child, to the same extent as any other officer appointed to investigate proceedings on behalf of the court.

2. ACCESS TO RECORDS. A special advocate shall have the same legal right to records relating to the child he or she is appointed to represent as any case manager (social worker or probation officer) with regard to records pertaining to the child held by any agency, school, organization, division or department of the State, physician, surgeon, nurse, other health care provider, psychologist, psychiatrist, mental health provider or law enforcement agency. The advocate shall present his or her order and identification as a Court Appointed Special Advocate to any such record holder in support of his or her request for access to specific records. No consent from the parent or guardian is necessary for the advocate to have access to any records relating to the child. (W & I 107)

3. REPORT OF CHILD ABUSE. A special advocate is a mandated child abuse reporter with respect to the case to which he or she is appointed.

4. COMMUNICATION. There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments.

maintained among the special advocate, case manager, child's attorney, attorneys for parents, relatives, foster parent, and any therapist for the child.

5. RIGHT TO TIMELY NOTICE. The moving party shall provide the special advocate timely notice of any motions concerning a child for whom a special advocate has been appointed. (W & I 106)

6. CALENDAR PRIORITY. In light of the fact that special advocates are rendering a volunteer service to children and the court, matters on which they appear should be granted priority on the court's calendar, whenever possible.

7. DISTRIBUTION OF CASA REPORTS.

(a) CASA reports shall be submitted to the court at least (3) three court days prior to the hearing.

(b) CASA shall serve a copy of the report on the parties entitled to receive a copy of the report at least (2) two court days prior to the hearing.

(Adopted 7/1/2010)

RULE 14.04

SETTLED STATEMENTS ON APPEAL

Upon filing a notice of appeal, trial counsel for appellant must adhere to California Rules of Court, Rules 8.850-8.891. This Court requires use of Judicial Council Forms CR133 through CR135: [Amended 7/1/2010]

~~1) Within 15 days file a proposed statement on appeal;~~

~~—— 2) Within 45 days notice a hearing to settle its statement on appeal; and~~

~~—— If appellant, represented by appointed counsel at trial, seeks counsel appointed for the appeal, trial counsel must cause a financial declaration of indigency to be filed. If appellant was either not represented at trial or was represented by private trial counsel, appellant (if not represented at trial) or trial counsel must cause a financial declaration of indigency to be filed, and must file such supporting documents as required by the California Court of Appeal, District 2, Division 6, for appeals filed in that court. Appellant (if unrepresented at trial) or trial counsel must therewith file with the court a request that counsel be appointed for the appeal. The trial court must appoint counsel for the appeal or not in its discretion using generally the criteria contained in California Rules of Court Rule 3.50-3.63. (Eff. 7/1/99)~~

RULE 27.01

JURY INSTRUCTIONS

(a) Proposed Pattern of Jury Instructions

In jury trials the instruction forms contained in the most recent editions of "California Approved Civil Instructions" (CACI) and "California Jury Instructions-Criminal" (~~CALJIC~~CALCRIM) should be used when applicable. Due consideration will be given to proposed instructions drafted or submitted by attorneys as well as the CACI and ~~CALJIC~~CALCRIM forms. (~~Amended 1/1/05~~)

Not later than one day after the jury is selected, counsel must meet and confer, face-to-face unless excused by the trial judge. They must separate the proposed jury instructions so as to eliminate redundancy. The proposed instructions must then be separated into two groups. The first group of instructions must consist of those that all parties agree can be given by the court as drafted. The second must consist of those proposed instructions about which counsel disagree and wish to have a court ruling before submission to the jury.

The parties or their counsel must then meet and confer with the court in chambers to discuss the proposed instructions. The court may give indicated rulings which may subsequently be put on the record.

The court will assign responsibility for preparing "clean" copies of the instructions to be given by the court for delivery to the jury in the jury room. Those "clean" instructions must not indicate which party submitted the proposed instruction nor must they replicate the source of the text, the citation of authority, if any, or the judge's signature.

b) Instructions to be Completed

It must be the duty and responsibility of counsel proposing a pattern instruction to complete all blanks contained in it necessary for the purpose of the instruction. Failure to do so must be deemed by the court as sufficient cause to refuse the proposed instruction.

(c) Additional Instructions Drafted by Counsel

Counsel may draft and submit additional proposed instructions. Each must be numbered in consecutive order and indicate the party upon whose behalf it is requested. Failure to cite on any such instruction the authorities relied upon to support giving it must be deemed by the court as sufficient cause to refuse the proposed instruction.

(d) Method of Filing Proposed Instructions with Trial Judge

In all jury trials, counsel must present to the court a document setting forth in the usual manner the title of the court, title and number of the action, and title of the document, namely, "Instructions requested by ____." A copy of the document must be served upon each of the other counsel in the case. The document must list by number the CACI and/or ~~CALJIC~~CALCRIM instructions requested by counsel and counsel must attach to the original the (1) instructions so requested that are in print and available; and if such instructions are modified, by the completion of blanks, the deletion of bracketed material, or in any other manner made complete; (2) if the instructions so requested are not locally available, it will be counsel's responsibility to type such instructions; and (3) the additional instructions, if any, as provided in paragraph (c) above.

(e) Time for Delivery of Proposed Instructions to Court

Counsel are encouraged to file requested jury instructions and verdict forms at least two court days before the date scheduled for trial.

(Amended ~~7/1/09~~7/1/2010)